

NOTICE OF PROPOSED CHANGES IN REGULATIONS OF THE
CALIFORNIA DEPARTMENT OF SOCIAL SERVICES (CDSS)

ITEM #2 Child Welfare Services – Incarcerated Parents – Tribal Customary Adoptions
 – Juvenile Court Services

The CDSS hereby gives notice of the proposed regulatory action(s) described below. Any person interested may present statements or arguments orally or in writing relevant to the proposed regulations at a public hearing to be held on May 9, 2018, at the following address:

Office Building # 8
744 P St. Room 103
Sacramento, California

The public hearing will convene at 10:00 a.m. and will remain open only as long as attendees are presenting testimony. The purpose of the hearing is to receive public testimony, not to engage in debate or discussion. The Department will adjourn the hearing immediately following the completion of testimony presentations. The above-referenced facility is accessible to persons with disabilities. If you are in need of a language interpreter at the hearing (including sign language), please notify CDSS at least two weeks prior to the hearing.

Statements or arguments related to the proposals may also be submitted in writing, e-mail or by facsimile to the address/number listed below. All comments must be received by 5:00 p.m. on May 9, 2018.

Following the public hearing, CDSS may thereafter adopt the proposals substantially as described below or may modify the proposals if the modifications are sufficiently related to the original text. With the exception of nonsubstantive, technical, or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption to all persons who testify or submit written comments during the public comment period and all persons who request notification. Please address requests for regulations as modified to the agency representative identified below.

Copies of the express terms of the proposed regulations and the Initial Statement of Reasons are available from the office listed below. This notice, the Initial Statement of Reasons and the text of the proposed regulations are available on the internet at (<http://www.cdss.ca.gov/inforesources/Letters-Regulations/Legislation-and-Regulations/CDSS-Regulation-Changes-In-Process-and-Completed-Regulations/Public-Hearing-Information>). Additionally, all the information which CDSS considered as the basis for these proposed regulations (i.e., rulemaking file) is available for public reading at the address listed below. Following the public hearing, copies of the Final Statement of Reasons will be available from the office listed below:

Office of Regulations Development
California Department of Social Services
744 P Street, MS 8-4-192
Sacramento, California 95814

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CHAPTERS

CDSS Manual of Policies and Procedures, Division 31 (Child Welfare Services Program), Chapter 31-200 (Assessment and Case Plan), Section 31-206 (Case Plan Documentation), and Chapter 31-500 (Special Requirements), Section 31-525 (Independent Living Program).

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Current regulations specify what information a social worker must include in all case plan documentation. These amended regulations will require the social worker to describe in the case plan any information regarding tribal customary adoption of an Indian child, parental/legal guardian incarceration, institutionalization or participation in a court-ordered residential substance abuse treatment program as it relates to completing case plan objectives and goals, or wards who were once dependents and the services they have access to as well as being enrolled in a transitional independent living plan.

Tribal Customary Adoption

The proposed regulations specify that, in the case plan of an Indian child, Tribal Customary Adoption must be documented as a primary concurrent permanency option.

Incarcerated Parents

The proposed regulations specify that information regarding incarcerated parents must be documented in the case plan by the social worker, including information describing any barriers to services faced by these parents. The purpose of these measures is to ensure the court is informed of any barriers a parent who is incarcerated, institutionalized, or in a court-ordered residential substance abuse treatment program may face in completing court-mandated reunification services and their ability to maintain contact with their children.

Juvenile Court Jurisdiction: Services and Benefits

The proposed regulations specify that when the juvenile court terminates jurisdiction over a ward who was once a dependent, the youth shall have access to all services a dependent would have access to. Also, in the case of a youth placed in a group home whose social worker or probation officer has good cause to believe he or she will not achieve permanency prior to his or her 18th birthday, a transitional independent living plan be initiated for the youth.

Minor and Nonminor Dependent Parents

The proposed regulations specify that information regarding minor and nonminor dependent parents must be documented in the case plan by the social worker, including information describing any barriers to services faced by these parents. The purpose of these measures is to ensure the court is informed of any barriers a parent who is a minor or a nonminor dependent may face in completing court-mandated reunification services.

These regulations will create clarity and guidance for county social workers to effectively document the services available to, and any barriers to those services faced by, parents/legal guardians who are incarcerated, institutionalized or in a court-ordered

residential substance abuse treatment program, or to document tribal customary adoption as a primary permanency option for Indian children.

The Department conducted an evaluation as to whether there were any related regulations on these subjects and determined these are the only regulations on these topics. Therefore, the proposed regulations are neither inconsistent nor incompatible with existing state regulations. They are consistent with the intent of the Legislature in adopting SB 118 (Chapter 338, Statutes of 2009), AB 2070 (Chapter 482, Statutes of 2008), SB 945 (Chapter 631, Statutes of 2010), AB 1325 (Chapter 287, Statutes of 2009) and SB 68 (Chapter 284, Statutes of 2015).

COST ESTIMATE

1. Costs or Savings to State Agencies: None
2. Costs to Local Agencies or School Districts Which Must Be Reimbursed in Accordance With Government Code Sections 17500 - 17630: N/A
3. Nondiscretionary Costs or Savings to Local Agencies: None
4. Federal Funding to State Agencies: None

LOCAL MANDATE STATEMENT

These regulations do not impose a mandate on local agencies or school districts. There are no state-mandated local costs in this order that require reimbursement under the laws of California.

STATEMENT OF SIGNIFICANT ADVERSE ECONOMIC IMPACT ON BUSINESS

The CDSS has made an initial determination that the proposed action will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. This determination was made because the proposed regulations are only applicable to state and county agencies and are mandated by the State of California.

Provisions of SB 118 (Chapter 338, Statutes of 2009) would require social workers to include additional information into a child's case plan regarding the status of parent(s)/legal guardian(s) incarceration, institutionalization or admittance to a court-ordered residential substance abuse treatment program, or in the case of an Indian child, tribal customary adoption. The Child Welfare System/Case Management System is currently able to capture information about a child's incarcerated parent(s), thus these provisions would result in unknown, but minimal and absorbable costs associated with the time required to enter this data into the Child Welfare System/Case Management System.

STATEMENT OF POTENTIAL COST IMPACT ON PRIVATE PERSONS OR BUSINESSES

The CDSS is not aware of any cost impacts that a representative private person or business would incur in reasonable compliance with the proposed action.

SMALL BUSINESS IMPACT STATEMENT

The CDSS has determined there is no impact on small businesses as a result of filing these regulations because these regulations are only applicable to state and county agencies.

STATEMENT OF RESULTS OF ECONOMIC IMPACT ASSESSMENT

The adoption of the proposed amendments will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California. The benefits of the regulatory action to the health and welfare of California residents, worker safety, and the State's environment are as follows: These regulations will create clarity and guidance for county social workers to effectively document the services available to, and any barriers to those services faced by, parents/legal guardians who are incarcerated, institutionalized or in a court-ordered residential substance abuse treatment program, or to document tribal customary adoption as a primary permanency option for Indian children.

STATEMENT OF EFFECT ON HOUSING COSTS

The proposed regulatory action will have no effect on housing costs.

STATEMENT OF ALTERNATIVES CONSIDERED

No other alternatives are permissible, as these regulations are being developed as a result of state law implemented by Assembly Bill (AB) 2070 (Chapter 482, Statutes of 2008) and Senate Bill (SB) 118 (Chapter 338, Statutes of 2009) regarding incarcerated parents of children in the foster care system, SB 945 (Chapter 631, Statutes of 2010) regarding wards who were once dependents and the services available to them, AB 1325 (Chapter 287, Statutes of 2009) regarding tribal customary adoptions, and SB 68 (Chapter 284, Statutes of 2015) regarding minor and nonminor dependent parents and reunification services.

The CDSS must determine that no reasonable alternative considered, or that has otherwise been identified and brought to the attention of CDSS, would be more effective in carrying out the purpose for which these regulations are proposed or would be as effective as and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

AUTHORITY AND REFERENCE CITATIONS

The CDSS adopts these regulations under the authority granted in Sections 10553 and 10554, Welfare and Institutions Code. Subject regulations implement and make specific Sections 361.5, 366.24, 607.5 and 16501.1, Welfare and Institutions Code.

CDSS REPRESENTATIVE REGARDING THE RULEMAKING PROCESS OF THE PROPOSED REGULATION

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Backup: Sylvester Okeke (916) 657-2586